

FILED

M. 05-29 2003

DAVID J. MALAND, CLERK

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS U.S. DISTRICT COURT

LUFKIN DIVISION

By BH

DEPUTY

EOD
5-30-03

DARLENE BARTLETT, et al.,

§

vs.

§

SUNQUEST SPC, INC., et al.

§

Case No. 9:00-CV-249

Judge Howell Cobb

ORDER

Before the court is defendant Raintree Healthcare Corporation's Rule 60(b) Motion to Set Aside Default Judgment, filed on May 8, 2003. In that motion, Defendant requests the court strike Defendants' Rule 59(e) Motion to Amend, Alter, or Vacate Judgment, filed on May 5, 2003. Upon review, the request to strike the prior motion submitted by the same counsel should be GRANTED, however, the Rule 60(b) Motion to Set Aside Default Judgment shall not be determined until after the hearing scheduled for May 29, 2003. Additionally, Defendant specifically states that the Rule 60(b) Motion to be heard on May 29, 2003, is filed only on behalf of Raintree Healthcare Corporation. As such, the Notice of Hearing signed May 13, 2003, is amended to only include Raintree Healthcare Corporation. Therefore, based upon the Defendant's request, it is

ORDERED, Defendant's Rule 59(e) Motion filed on May 5, 2003, is DISMISSED.

Signed this 29th day of May, 2003.



HOWELL COBB
UNITED STATES DISTRICT JUDGE

LHD